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Applicant: Sosin Examiner: Blau, S.
Serial No.: 09/248,515 Art Unit: 3711
Filing Date: February 8, 1999 Attorney Docket: 2002832-0002
Title: GOLF CLUB AND METHOD OF DESIGN

Assistant Commissioner of Patents
Washington, DC 20231

RECEIVED

Sir:

AUG 19 2002

DECLARATION UNDER 37 C.F.R. § 1.132 TECHNOLOGY CENTER R3700

I, Jerrett Garner, declare as follows:

1. I am the owner and President of Garner Golf, a manufacturer of custom golf clubs. I have held this position for seven years. I am well familiar with the field of golf club manufacture, and in particular with the manufacture of iron-type golf clubs.
2. I have reviewed and am familiar with the specification of United States Patent Application No. 09/248,515 (the '515 application) for "Golf Club and Method of Design" by Mr. Howard Sosin. I understand that Mr. Sosin has submitted claims in this patent application relating to *iron-type* golf clubs, or *iron-type* head/hosel combinations, having a non-zero lean angle. I also understand the '515 application to define the "lean angle" of a club as the angle made between the shaft and the perpendicular when the head is in its intended impact position. I can represent that all iron-type golf clubs made today are manufactured to have a zero lean angle.
3. I understand that the Patent Examiner who is evaluating the '515 application has said that some of the claims to iron-type golf clubs, iron-type head/hosel combinations are not patentable because the invention that they define is the same as what is described in either United States Patent No. 4,157,830 to Taylor ("Taylor") or United States Patent No.

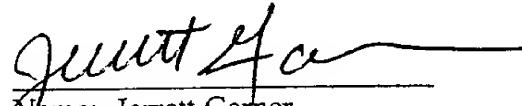
5,224,702 to Turner ("Turner"). I have reviewed and understood both Taylor and Turner, and I disagree with the Examiner's assertion.

4. Both Taylor and Turner describe *wood-type* clubs. One purpose of my Declaration is to establish that in general, manufacturers of golf clubs do not apply design principles of woods to irons. A second purpose of my Declaration is to establish that manufacturers of golf clubs would not be motivated to apply the specific teachings of Taylor or Turner to irons. A third and final purpose of my Declaration is to establish that an *iron-type* club having a non-zero lean angle would have unexpected characteristics and benefits as compared with a *wood-type* club having a non-zero lean angle.
5. Woods and irons are different entities and are treated as such within the manufacturing industry. Woods and irons are both structurally and functionally different, and are manufactured using different materials and methods. Based on my extensive experience in the golf manufacturing business I can represent that as a consequence of these differences, golf club manufacturers generally do not apply the design principles of woods to irons. Turner and Taylor themselves provide evidence of the general inapplicability of wood design principles to irons.
6. For example, Turner discusses wood-type golf clubs with large negative offsets and an angled hosel. As illustrated in Turner, woods have large bulbous heads that can accommodate large negative offsets. By contrast, the heads of irons are far smaller and therefore incapable of accommodating such large offsets. Furthermore, the weighting in the heads of woods and irons are very different and the overall clubs would therefore be expected to respond quite differently to such a dramatic change in design. A golf club manufacturer, reading Turner, would not be inspired to apply its design principles to irons.
7. Similarly, Taylor teaches woods with an angled hosel and a series of spaced parallel stripes on the upper surface of the golf club head. The combined design change serves to

aid golfers in determining whether or not they are aiming at the intended target when they are holding a wood in a pre-swing stance. Taylor itself describes how his invention makes up for a deficiency that is *unique to woods* (and specifically *not* present in irons) and results from the curvilinear nature of the wood striking face. As with Turner, a golf club manufacturer, reading Taylor, would not be inspired to apply its design principles to irons.

8. I, Jerrett Garner, declare that all statements made herein of my own knowledge are true and that these statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful, false statements and the like are made punishable by fine or imprisonment, or both, under §1001 of Title 18 of the United States Code and that such willful, false statements may jeopardize the validity of the application or any patents that may issue thereon.

Respectfully Submitted,



Name: Jerrett Garner

Title:

Date: